

LINCOLN PLANNING BOARD

JUNE 27, 2012

APPROVED

The regular meeting of the Planning Board was held on Wednesday, June 27, 2012, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, John Hunt, Michael Reilly, Jeffrey Delgrande, Timothy Griffin, and William Murphy. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following member was absent from this meeting: Kenneth Bostic. Members Bostic called the Chairman and was excused.

Chairman Olean advised that six members were present; have quorum.

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has two zoning applications and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by member Reilly to remove the zoning application of Donald R. Hysko & Patricia Broders-Hysko for a Dimensional Variance on Great Road (AP 22 Lot 4) from the consent agenda. The motion was seconded by member Griffin. Motion was approved by all members present.

Motion was made by member Griffin to accept the consent agenda as amended was seconded by member Hunt. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

**a. 1 Commerce Street Expansion AP 30 Lot 64 Public
Hearing—7:00 PM**

**Blackstone Centre Limited Partnership 616 George Preliminary
Plan**

Washington Hwy. Discussion/Approval

Chairman Olean called the Public Hearing to order at 7:01 pm. Roll call of the abutter's list was read by the recording secretary. There were no responses to the reading of the abutter's list. Chairman Olean called for any other abutter in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this commercial land development is before the Board for a preliminary plan review at the Public Hearing stage.

The applicant received their Special Use Permit from the Zoning Board of review last month. This application is being reviewed under the 2005 subdivision regulations. The application represents the development of a 15,000 square foot addition onto a 22,630 square foot two story commercial building. The existing parking area will be reconfigured to accommodate the new addition and the plan does meet the zoning requirements for parking. The plan calls for a zero net increase in the storm water runoff. The water will actually be cleaner because it will come off a roof and not parking area. The applicant can use the existing storm water runoff facilities on the parcel. The Area of Planning Concern review has not been completed. The review meeting is scheduled for July 11, 2012. The TRC recommends approval with conditions. The conditions are that the applicant go to the Area of Planning Concern and return to this Board for final plan review.

Brian King, engineer for the applicant, made a presentation to the Board. Mr. King stated that the Towns summation of the project is very accurate. Member Hunt asked how many parking spaces will be on site. Mr. King replied that 146 parking spaces will be on site.

Chairman Olean now opened the meeting to comments from the public. There were no members of the public that came forward to speak. Motion was made by member Reilly to close the Public Hearing at 7:09 pm was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Hunt to grant preliminary plan approval subject to the applicant going before the Area of Planning Concern and returning to the Board for final plan approval was seconded by member Griffin. Motion was approved by all members present.

COMPREHENSIVE PERMIT

a. The Residences at Stone Creek AP 20 Lot 15 Preliminary Plan Break Hill Development, Inc. Breakneck Hill Rd. Modification Discussion/Approval

Mr. Ranaldi stated that this application is for a comprehensive permit with a very long history. The applicant received preliminary plan approval on January 26, 2011 for 54 age restricted condominiums with 14 designated as affordable. The entire complex would be served by an onsite waste water treatment system. The Town received a letter from the applicants' attorney explaining that the applicant has struck a deal with connecting to public sewer through the YMCA. Therefore the applicant is before the Board tonight for a modification of their plan. The plan now calls for 61 age restricted condominium units with 16 designated as affordable. The entire complex would be serviced by public sewer through a private system.

The roadway and drainage details have not changed. The TRC reviewed this request and agreed that it is more beneficial for this project to be serviced by public sewer. The TRC had no outstanding

concerns regarding this modification.

John DiBona, attorney for the applicant, made a brief presentation to the Board. Mr. DiBona stated the reason this project went from sewer to private waste water treatment system is that RIDOT would not allow a crossing of a private sewer across Breakneck Hill Road. The applicant then proposed 54 units with a private waste water treatment system. Since that time the applicant has met with Narragansett Bay Commission along with representatives of the YMCA. NBC wanted this project to be tied into public sewer and urged the applicant to come into an agreement with YMCA to tie into their system. NBC agreed to take possession of the line that crosses Breakneck Hill Road which satisfies RIDOT. A written agreement has been completed between the YMCA and this applicant. This agreement has been submitted to the Town. Consequently, the applicant is now asking to go back to the original plan of 61 units tied into public sewer. The applicant would respectfully request an approval on the modification tonight so the project can move forward.

Nicholas Piampiano, engineer for the applicant, made a presentation to the Board. Mr. Piampiano stated that the current proposal calls for a complete gravity fed sewer system on site that will gravity across Breakneck Hill Road into the YMCA private pump station. There will be no liquid propane storage on site that was proposed at earlier meetings.

Chairman Olean asked if the applicant has a letter from NBC that says this project can tie into their sewer system. Mr. DiBona replied that NBC will own the line. Chairman Olean stated that is not what he asked. Mr. Piampiano stated that since the applicant is tying into the YMCA sewer system they would have the letter with the approval. Chairman Olean asked if the letter that the YMCA has state that information. Mr. Piampiano stated that he does not have a copy of that letter. He further stated that he would have to look into getting a copy of that letter to check the exact approval. Chairman Olean stated he is not comfortable approving this plan without documentation from the NBC or Town of Lincoln approving the Break Hill Development sewer tie in. Mr. DiBona requested that the letter be produced as a condition of approval of the modification. Chairman Olean stated that he agrees with the TRC report that this application be continued until proper documentation is in place for the sewer system. Several discussions took place regarding what paperwork the Board would need for an approval. The Board continued this application to next month's meeting.

MAJOR SUBDIVISION REVIEW

- a. Hysko Great Road Subdivision AP 22 Lot 4 Master Plan
Donald & Patricia Hysko Great Road Discussion/Approval

Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. This application was elevated from a minor subdivision

to a major subdivision due to zoning relief needed. The zoning application is also before the Board tonight for a recommendation which we will handle later in the meeting. This application is to divide an approximately 9 acre piece of land into 2 lots. The applicant needs a zoning variance for lot width on the lot with the existing house on it.

This house was built around 1720. In the 1970's the house received extensive restoration by a well known historian. The applicant has had the property on the market as one lot but has not been able to sell it. The applicant wants to save the house in its existing condition however they cannot find a buyer. The applicant is looking to subdivide the lot and sell the rear vacant lot and be able to sell the house as a reduced cost and less land in hopes to maintain the house. The applicant and the Town have worked together to come with the best application to put forward. This house has historic value and is registered nationally. The topography of this land is very challenging. The land has steep slopes and is on a bad curve along Great road. Everything has been well documented in the Board's packets. One other issue of this subdivision is the Town's unwritten policy on no shared driveways. This subdivision would require a shared driveway because of the uniqueness of the lot. The TRC felt that this is something that the Board could give relief on. The TRC recommends approval of the master plan so it can advance to the Zoning Board for the appropriate dimensional relief.

John T. Walsh Jr., attorney for the applicant, made a brief presentation. Mr. Walsh stated that the property is currently located

at 600 Great Road. The existing lot would be approximately 24' short on lot width because of this subdivision. Mr. Hysko has owned this property for 40 years. A significant sum of money has been spent restoring the house and property. Mr. Hyskos' wife is from Kansas and has had to move there for family and business reasons. The house has been empty for a little over two years. He has had difficulties selling this property especially with the large tract of land with it. The land to be subdivided is relatively far back off the road which would make a minimal impact of the vista on Great Road no matter what size house was built. Member Delgrande asked if sewer and water are available to this property. Mr. Walsh replied that sewer and water are available on Great Road. Member Hunt asked if they would be changing the driveway. Mr. Walsh replied that the fire department asked if they could widen the driveway slightly for fire apparatus. Town Solicitor DeSisto reminded the Board that the applicant would need a waiver from section 7 of the subdivision regulations for the lot width along with zoning approval.

Chairman Olean asked the Town Solicitor about how to assure that the house be maintained in a historical fashion even after sale since the applicant is asking for this subdivision for that reason. Mr. DeSisto replied that the Board could impose a condition of approval that the house not be demolished. Mr. Walsh stated that his client would be willing to accept that condition. Mr. Walsh further stated that his client intends to place a deed restriction that the house be maintained in its current historical condition and not be removed.

Motion made by member Griffin to grant conditional master plan approval to allow the applicant to seek the appropriate zoning relief. The motion was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Hunt to move agenda item #8 “Zoning Applications” to the next item to be heard was seconded by member Reilly. Motion was approved by all members present.

ZONING APPLICATIONS

a. Donald R. Hysko & Patricia Hysko, 9111 East Kilarney Drive, Wichita, KS – Application for Dimensional Variance seeking lot width relief for property located on Great Road, Lincoln, RI.

AP 22, Lot 4 Zoned: RS-20

Motion made by member Griffin to accept the TRC recommendations and send a recommendation of approval to the Zoning Board. The motion was seconded by member Delgrande. Motion was approved by all members present.

MINOR SUBDIVISION REVIEW

a. Railroad Street Subdivision AP 38 Lot 107 Preliminary Plan

JM & Sons Properties, LLC Railroad Street Discussion/Approval

Mr. Ranaldi stated that this application represents the subdivision of 1 lot into 4 lots. The application is under the 2005 subdivision regulations. The applicant received a certificate of completeness on June 20, 2012 and the Board has until August 24, 2012 to make a decision. The lot is flat. There is a “mysterious” easement running through 2 of the proposed lots. It is assumed the easement is from the old mill village area possibly for drainage. The applicant is currently in the process of deeding that to the State of Rhode Island. All of the lots meet the buildable lot area for the RG-7 zoning district. The Town did make a recommendation to the applicant to research abandoning the undeveloped right of way along side of this lot. The applicant would have to explore this process with the Town Council. The TRC recommends approval with conditions. The condition would be that granite bounds be installed marking the corners of the subdivision. The lots already have the stubs for water and sewer and would need a review of storm water runoff at building permit stage.

John Cote, representative of the applicant, made himself available for questions from the Board. Member Reilly asked if a house is currently being constructed on this lot. Mr. Cote replied yes but the house is off to one side which will meet the setbacks of this subdivision. Member Delgrande inquired what parcel the house was on. Mr. Cote replied it is on parcel A of the subdivision map. Chairman Olean asked if Mr. Cote has seen the TRC report. Mr. Cote replied that he had not. Chairman Olean informed the applicant that a

Physical Alteration Permit from RIDOT will be required to install the driveways to these lots. Mr. Cote said he does understand that and they will be applied for at building permit stage. Chairman Olean suggested adding the 20' drainage easement on parcels A & B to the subdivision plan even if the State refuses to accept the easement. This will document the existence of that drainage pipe.

Motion made by member Griffin to accept the TRC recommendations for preliminary plan approval with conditions and add the condition that the deeds for parcels A & B reflect the existence of the existing drainage pipe easement. The motion was seconded by member Hunt. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given three sets of minutes to review. They are for February 22, 2012, March 28, 2012 and April 25, 2012. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Griffin to dispense with the reading of the February 22, 2012, March 28, 2012 and April 25, 2012 minutes and accept them as presented was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Delgrande to adjourn at was seconded at 8:08 pm by member Griffin. Motion was approved by all members

present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

On June 20, 2012 at 3:00 pm, the Technical Review Committee met to review the agenda items for the June 27, 2012 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Laszlo Siegmund, Peggy Weigner, and Michael Reilly. Below are the Committee's recommendations.

Major Land Development Review

a. One Commerce Street Expansion AP 30 Lot 64 Public Hearing – 7:00 PM

**- Blackstone Centre Limited Partnership Commerce Street
Preliminary Plan Review /
Approval**

This major land development project is under the 2005 Subdivision Regulations and represents the development of a 15,000 square foot addition to an existing 22,630 square foot 2-story commercial building. The existing parking areas will be reconfigured to

accommodate the proposed addition. The proposed project exceeds all of the zoning requirements including the commercial parking requirements. All new and existing surface water runoff will be directed to the existing on-site aboveground storm water drainage system. This project is in front of the Planning Board at the Preliminary Plan review stage and a public hearing.

On June 19, 2012, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by October 17, 2012, or within such further time as may be consented to by the applicant.

The preliminary plan submission contains a set of plans entitled, "Preliminary and Final Submission, Blackstone Centre Building Expansion, Assessor's Plat 30 Lot 64, One Commerce Street, Lincoln, Rhode Island, Zoning District: ML-0.5, Manufacturing Limited District", prepared by Crossman Engineering for Blackstone Centre Limited Partnership. The set of plans contain 11 sheets and is dated June 2012. The applicant received a Special Use Permit for an addition to existing medical office building to provide surgical services on June 5, 2012.

The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision

Regulations preliminary plan submission requirements. Below are the TRC's recommendations.

Site Layout

The proposed addition will be developed along the northeasterly side of the existing building. The exterior of the proposed addition will match the existing buildings exterior materials and design. Permitting from the Rhode Island Department of Environmental Management is not required because the proposed addition is less than one acre of disturbed land and is not within the RIDEM jurisdictional areas.

Zoning Requirements

The applicant received a Special Use Permit for an addition to the existing medical office building to provide surgical services on June 5, 2012.

Storm Water Runoff

The existing site utilizes aboveground stormwater collection methods. Runoff sheet flows across the existing parking areas and is collected into existing stormwater basins located along the perimeter of the property. According to the submitted plans, the proposed addition will not create an increase in impervious area. Therefore, the stormwater collection system will not have to be modified post development.

Based on the preliminary plan review conducted by the Technical Review Committee, the TRC feels that this proposed land development project successfully addresses all of the required findings as presented within Section 5 of the Subdivision Regulations for preliminary plan review. Barring any unforeseen concerns brought out at the public hearing, the Technical Review Committee recommends that the preliminary plan submission be Approved with Conditions. The condition of approval is that the application needs to be reviewed by the Area of Planning Concern. The TRC recommends that the applicant goes before the Area of Planning Concern for their review and return to the Planning Board for Final Plan review and approval in July.

Comprehensive Permit

a. The Residences at Stone Creek AP 20 Lot 15 Preliminary Plan Land

- Break Hill Development, Inc. Breakneck Hill Road Development Modification

Discussed / Approval

On May 16, 2012, the Planning Board via the Planning Department received a letter from Attorney John S. DiBona regarding the land development project entitled, "The Residences at Stone Creek." The applicant is requesting a modification of their project that was granted preliminary plan approval on January 26, 2011. The project's

approval was for a fifty-four (54) unit age restricted condominium complex. Fourteen of the units were to be dedicated as affordable home ownership units. This entire complex was to be serviced by private onsite waste water treatment systems.

As the Planning Board will recall, this application was reviewed under the 2005 Subdivision Regulations, RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”. Many versions of this project were presented to the Board throughout the review stages. Each version assumed that access to the public sewers system was available contingent on several items. Ultimately, this assumption was incorrect and the applicant modified the development accordingly.

According to Attorney DiBona’s letter, the applicant has reached an agreement with all of the parties involved with providing access to the Town’s public sewer system. Consequently, in light of the fact that access to the public sewer system is now available, the applicant proposes to modify the project to a sixty-one (61) unit age restricted condominium complex with sixteen units dedicated as affordable home ownership units. This entire complex is to be serviced by the public sewer system. All proposed infrastructure improvements such as the roadway and the stormwater drainage system have not changed.

The Technical Review Committee reviewed the submitted request. The TRC discussed the change in the project and agreed that there are more benefits to the project and the environment, if it is served by public sewers. The TRC finds that the proposed modification is consistent with the original objectives set out by the applicant during the Master Plan and Preliminary Plan review stages.

The submitted request for modification only had one executed agreement from one of the parties involved with providing access to the Town's public sewer system. The request makes note that the applicant has reached a preliminary agreement with the Pawtucket YMCA to tie into their private sewer facilities but to the best knowledge of the Committee and the Administrative Officer of the Planning Board, a final agreement has not been executed. Based on the history of this project, the Technical Review Committee would feel more comfortable in making a positive recommendation on the modification if the agreement with the YMCA was executed. Therefore, the TRC recommends that the applicant returns to the Planning Board when the agreement with the Pawtucket YMCA has been executed.

Major Subdivision Review

a. Hysko Great Road Subdivision AP 22 Lot 4 Master Plan Discussion /

- Donald and Patricia Hysko Great Road Approval

This application is under the 2005 Subdivision Regulations and

represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the need for zoning relief for the existing house. On June 20, 2012, the Master Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. Therefore, a decision on the master plan review must be made by October 18, 2012, or within such further time as may be consented to by the applicant.

The Technical Review Committee has reviewed the above proposed development according to the Land Development and Subdivision Regulations master plan submission requirements. The submission includes a plan entitled, “2 Lot Subdivision, A.P. 22 Lot 4, Donald R. & Patricia Hysko”. The submission contains four sheets and is dated May/June 2011. Below are the TRC comments.

Project Description

As stated above, this project represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the need for zoning relief. The proposed subdivision is before the Planning Board for a Master Plan review. If this approval is granted, the application will proceed to the Zoning Board for dimensional relief of the lot width requirement.

As the Planning Board members will notice, this subdivision is unusual in the fact that the zoning relief is for lot width and the project also goes against one of the Planning Board's policies of not allowing shared driveways to access two or more residential lots. While both proposed parcels theoretically have access to a public roadway, physical access to proposed parcel A is impossible due to the significant topography that exists along the roadway. Access to the original lot of record is from an existing driveway.

This proposed subdivision advanced to the official review stages based on the compelling historical significance of the property. Once this value was established, the technical aspect of the project advanced based on lengthy discussions with the Town's planning and zoning staff.

Property's Significance

The existing house on this property is the historic Israel Arnold House, which is listed in the National Register of Historic Places individually and as part of the Great Road Historic District. The house is a ca. 1720 two-and-one-half story, center-chimney dwelling. It is believed to be one of the best local examples of mid 18th century architecture and was documented in 1937 and 1940 by the Historic American Buildings Survey. The house was completely restored in the early 1970's under the supervision of Antoinette Downing, a noted Rhode Island historian. The eight-acre property is on the south side of Great Road high above the road with steep ledge across much of

the frontage.

The eight-acre parcel has been on the real estate market for the past five (5) years. One condition of the sale is that the house must be preserved from demolition. This condition has been the over-riding goal of the owners since they placed the property on the market. The owners feel that the house represents a significant piece of historic architecture as well as a significant historic chapter that tells the story of the Town of Lincoln and New England. They wish to preserve this house for future generations to study and appreciate. Unfortunately, the owners do not live in Rhode Island anymore and have been hit hard by the economic times. They can no longer afford to maintain two homesteads.

The owner received quite a bit of interest in the parcel, however all prospective buyers would not commit to preserving the house. While there are physical constraints on the property; such as the protected wetlands on one side and the steep ledge across the frontage which makes access to the property a challenge, the location and other unique aspects of the property with the house demolished makes it very appealing to developers.

Several price reductions have been issued by the owner. In an effort to continue to find a buyer who will preserve and live in the house, the owner approached the Town to discuss all available options. The submitted subdivision represents one option. This option, if successful, will enable the owner to sell the rear parcel of vacant land (parcel B) and hold onto the house parcel (parcel A) until an appropriate buyer comes forward. The sale of parcel B will give the

owner much needed income and will reduce the asking price for parcel A.

The members of the Technical Review Committee met with the owner's representative to develop a plan that would accomplish the goal of the owners and preserve the intent of the Planning Board's regulations and policies. The submitted plan relays heavily on the extraordinary historical nature of the house that are documented locally and nationally. The TRC included a copy of the house's nomination form to the National Register of Historic Places as just one of many examples.

Site plan

The proposed subdivision is to divide one large lot containing 8.45 acres into two residential lots. Proposed parcel A will contain 2.69 acres and the existing house. Proposed parcel B will contain 5.76 acres and is currently vacant. Due to significant topography and sight distance issues, access to each lot will be from one shared driveway. Parcel B will own the driveway and will give an easement to parcel A.

The property is surrounded on two sides by the Moshassuck River and associated 200 foot riverbank wetland buffer. The remaining portion of the property abuts Lincoln Woods. A small wetland complex is located in the rear of the property.

Utilities

The existing house is serviced by public sewer and water. Public

utilities exist within Great Road and are available for parcel B.

Zoning

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed dimensional variance is for the lot width of proposed parcel A from the require 120 feet to 95.8 feet. Based on the submitted subdivision plan and significant evidence establishing the extraordinary historic value of the existing house, the TRC feels that the proposed dimensional variance for lot width relief and associated subdivision meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Minor Subdivision Review

a. Railroad Street Subdivision AP 38 Lot 107 Preliminary Plan Discussion /

- JM & Sons Properties, LLC Railroad Street Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The proposed project is classified as a Minor Subdivision. On June 20, 2012, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of

completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by August 24, 2012 or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the above proposed subdivision according to preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Minor Subdivision Property Line Plan for JM & Sons Properties, LLC, AP 38 Lot 107, Railroad Street, Lincoln, Rhode Island. The plan was prepared for JM & Sons Properties, LLC by Darveau Land Surveying, Inc. The plan set contained two sheets and is dated May 16, 2012. The proposed subdivision successfully meets the requirements of the Zoning Ordinance and the Subdivision Regulations. Below are the TRC comments.

Site plan

The proposed subdivision is to divide one large lot into four residential lots. Each lot will have access from Railroad Street. Railroad Street is a State roadway. All future residential driveway curb cuts will require a Physical Alternation Permit from the RIDOT. The site does not contain any wetlands.

Each proposed house will be reviewed individually at the building permit review stage. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on any proposed

house lots. This plan will be required at the building permit stage. The TRC recommends that Drywells be installed for any new house to be built. The type and precise location of the drywells can be determined at the building permit application phase.

There is an existing 30 inch drainage pipe running between parcel A and parcel B. The applicant researched the title of the property to determine who owns the drainage pipe and if there is an easement recorded. The chain of title does not identify the owner of the drainage pipe nor shows that an easement exists. Therefore, the applicant is proposing to grant a twenty (20) foot wide easement to the State of Rhode Island.

Members of the Technical Review Committee noticed that right-of-way #12 abuts parcel A. The TRC recommends that the applicant explores the possibility of the Town abandoning this right-of-way. The TRC noted that there are a number of unused rights-of-way running down to the Blackstone River. It is assumed that these rights-of-way were established and used during the 1800's.

The elimination of unused rights-of-ways will reduce the Town's liability to maintain them.

Utilities

All public utilities are available in the roadway.

Record plan

Granite bounds are proposed on the plans. As a condition of preliminary plan approval, the proposed granite bounds must be

installed marking the location of the new property corners.

Based on the Preliminary Plan submission, the Technical Review Committee recommends Approval with Conditions of this Minor Subdivision Preliminary Plan application. The following are the conditions of Preliminary Plan approval. These conditions will have to be satisfied before final plan can be recorded and the lots can be sold:

1. Granite bounds must be installed marking the location of the subdivision corners.

According to the Town of Lincoln's Subdivision Regulations, the vesting period for a minor plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan is submitted for signature and recording, in conformity with such approval, and as defined in these regulations in Section 9. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the Planning Board. All required improvements shall be completed within one (1) year of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of regulations for the reinstatement or extension of applications, extend the period of time for completion of all required improvements, if requested by the applicant in writing.

Zoning Applications (*) - July's Zoning Applications

Donald R. Hysko & Patricia Broders-Hysko, 9111 East Kilarney Drive, Wichita, KS – Application for Dimensional Variance seeking lot width relief for property located on Great Road, Lincoln, RI.

AP 22, Lot 4 Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application according to the submitted plans for a dimensional variance of the lot width as a part of a major subdivision. The proposed dimensional variance is for the lot width of proposed parcel A from the require 120 feet to 95.8 feet.

Based on the submitted subdivision plan and significant evidence establishing the extraordinary historic value of the existing house, the TRC feels that the proposed dimensional variance for lot width relief and associated subdivision meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Stephen Magnan, 101 Roland Street, Cumberland, RI – Application for Dimensional Variance seeking side yard setback for construction of a deck located at 151 Jenckes Hill Road, Lincoln, Rhode Island.

AP 26, Lot 021 Zoned: RA 40

Members of the Technical Review Committee visited the site and

reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application according to the submitted plans for a dimensional variance from the side yard setbacks for the construction of a deck. The dimensional variance is actually needed to clear up the pre-existing nonconformance of the existing garage. The TRC feels that the proposed location of the new deck will be built within the existing setbacks and to the rear of the property. The Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board